

# The Orissa Gazette



EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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No. 390 CUTTACK, THURSDAY, FEBRUARY 14, 2008/MAGHA 25, 1929

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## LABOUR & EMPLOYMENT DEPARTMENT

### NOTIFICATION

The 28th January 2008

No. 824—li/1(B)-109/2003-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 11th January 2008 in I. D. Case No. 1/2004 of the Presiding Officer, Industrial Tribunal, Bhubaneswar to whom the industrial dispute between the Management of M/s Jayant Pharmaceuticals, Bhubaneswar, Khurda and its workman Shri Bijay Kumar Samal was referred for adjudication is hereby published as in the Schedule below :

### SCHEDULE

#### IN THE INDUSTRIAL TRIBUNAL, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 01 OF 2004

Dated the 11th January 2008

*Present:*

Shri Srikanta Nayak, o.s.j.s. (Jr. Branch)  
Presiding Officer  
Industrial Tribunal  
Bhubaneswar.

*Between:*

M/s Jayant Pharmaceuticals Bhubaneswar Khurda.  And  Mr. Bijay Kumar Samal At Swadhin Nagar (SaLiasahi) P.O. RRL, P.S. Nayapally Bhubaneswar, Khurda.	.. First Party—Management  .. Second Party—Workman
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*Appearances :*

Shri Sudhir Ranjan Patra	..	For First Party—Management
Shri Bijaya Kumar Samal	..	For Second Party—Workman

**AWARD**

The Government of Orissa, in the Labour & Employment Department in exercise of powers conferred upon them by sub-section(5) of Section 12, read with clause (d) of sub-section (I) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. 271—li/I(B) 109/03 -L.E., dated the 7th January 2004.

“Whether the termination of services of Shri Bijay Ku. Samal with effect from, the 8th August 2002 by the management of Jayant Pharmaceuticals, Bapujinagar, Bhubaneswar is legal and/or justified ? If not, to what relief Shri B. K. Samal is entitled ?”

2. This case was posted to the 9th January 2008 for hearing. On that day both parties by filing the memorandum of settlement drawnup in form-K submitted that the dispute between them has already been settled amicably and in view of the settlement they have prayed to pass an Award in terms thereof.

The terms of the settlement were readover and explained to the parties and they admitted the same to be true and correct. The settlement being genuine was recorded. An Award is passed in terms of the settlement, which do form part of the Award.

Dictated and corrected by me.

SRIKANTA NAYAK  
11-1-2008  
Presiding Officer  
Industrial Tribunal  
Bhubaneswar

SRIKANTA NAYAK  
11-1-2008  
Presiding Officer  
Industrial Tribunal  
Bhubaneswar

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By order of the Governor  
P. MALLICK  
Under-Secretary to Government

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**FORM 'K'**  
**(See Rule 64)**

**FORM OF MEMORANDUM OF SETTLEMENT**

Memorandum of Settlement, dated the 8th January 2008 between the management of M/s. Jayanta Pharmaceuticals, Bapujinagar, Bhubaneswar represented through its partner Shri Sudhi Ranjan Patra and Shri Bijaya Kumar Samal, aged about 51 years, S/o Shri Dusasana Samal, Swadhin Nagar (Salia Sahi), Post. RRL, Nayapally, Bhubaneswar.

**Representing the Management**

- (1) Shri Sudhi Ranjan Patra  
Aged about 43 years,  
S/o Shri Rudra Narayana Patra  
Plot No. C/39, Saheednagar  
Market Building, Bhubaneswar  
At Present Partner  
M/s Jayanta Pharmaceuticals.  
Bapujinagar  
Bhubaneswar.

**Representing Workman**

- (1) Shri Bijaya Kumar Samal  
Aged about 51 years,  
S/o Shri Dusasana Samal  
Swadhin Nagar (Salia Sahi)  
P.O. RRL, Nayapally,  
Bhubaneswar.

**Made part of the Award**

SRIKANTA NAYAK  
(9-1-2008)  
Presiding Officer  
Industrial Tribunal,  
Bhubaneswar.

**SHORT RECITAL OF THE CASE**

Whereas, the abovenamed workman has raised an Industrial Dispute bearing I. D. Case No. 01/04 before the Presiding Officer, Industrial Tribunal, Bhubaneswar against management of M/s Jayanta Pharmaceuticals, Bapujinagar, Bhubaneswar challenging his termination of services w.e.f., dated the 8th August 2002 as illegal and unjustified.

And, Whereas during the pendency of the proceeding before the Presiding Officer, Industrial Tribunal, Bhubaneswar the workman Shri Bijaya Kumar Samal approached the management and requested for a settlement of the dispute in question and after a protracted discussion, both the management and the workman agreed to settle the dispute under the following terms and conditions.

**TERMS AND CONDITIONS OF SETTLEMENT**

1. That it is agreed between the parties that the workman Shri Bijaya Kumar Samal will be paid a lump sum of Rs. 15,000 (Rupees fifteen thousand) only as his full and final amount towards all his service benefits.